



August 21, 2020

**Via ECF**

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

**Re: *Holsworth v. BProtocol Foundation, et al.*,  
No. 20-cv-2810 (S.D.N.Y.)**

Dear Judge Hellerstein:

We write on behalf of Lead Plaintiff Timothy C. Holsworth and the Class in the above-referenced action (the "Action") to confirm that Plaintiff intends to file a further amended complaint on or before September 21, 2020, consistent with this Court's June 29, 2020 Order (ECF No. 30).

William Zhang filed the original complaint in the Action on April 3, 2020. (ECF No. 1.) On June 8, 2020, Mr. Holsworth moved for appointment as Lead Plaintiff (the "Lead Plaintiff Motion," ECF No. 21). On June 29, 2020, the Court entered a Joint Stipulation and Order (the "June 29 Order," ECF No. 30), directing the Lead Plaintiff to file an amended complaint within 30 days after entry of the Court's decision on the Lead Plaintiff Motion. (June 29 Order at 4.)

Prior to the Lead Plaintiff Motion being decided, the initial plaintiff, Zhang, filed an unopposed motion for leave to substitute parties, change the caption, and amend the complaint (the "Motion to Amend," ECF No. 32). In his Motion to Amend, Zhang expressly sought permission to file an interim amended complaint (the "Proposed Amended Complaint"), which "was not intended as a consolidated class action complaint" but "rather as an amended complaint that Plaintiff seeks leave to file now, before the Court resolves the Lead Plaintiff Motion, in order to address certain statute of limitations arguments defendants are likely to assert." (ECF No. 33 at 3–4.)

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On August 20, 2020, the Court granted both the Lead Plaintiff Motion (ECF No. 46) and the Motion to Amend (ECF No. 47). Pursuant to the Court's order granting the Motion to Amend, which "granted leave to file the Proposed Amended Complaint," (*see* ECF No. 47), Plaintiff promptly filed the Proposed Amended Complaint on August 20, 2020, and it now appears on the docket as the First Amended Complaint. (*See* ECF No. 48.) Consistent with the June 29 Order, Plaintiff intends to file a further amended complaint (the "Second Amended Complaint") by September 21, 2020. Plaintiff's position is that Defendants should not be required to answer or otherwise respond to the First Amended Complaint, but rather should answer or otherwise respond solely to the Second Amended Complaint, once it is filed (which will be on or before September 21, 2020).

We have informed counsel for Defendants of Plaintiff's intention to file the Second Amended Complaint, and Defendants' counsel has authorized us to represent that they do not oppose Plaintiff's approach.

Respectfully submitted,

/s/ Kyle W. Roche  
Partner, Roche Cyrulnik Freedman

/s/ Jordan A. Goldstein  
Selendy & Gay, PLLC